

Appl. No. 09/213,096  
Amndt. Dated October 22, 2003  
Reply to Office Action of 07/31/2003

### REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed 07/31/2003. In the Office Action, the Examiner rejected claims 1-8, 21-23 and 25-38 under 35 U.S.C. § 102(e) as being anticipated by Bellenger (US 5,802,054) in view of Muller et al. (US 6,021,132). → 103

Claims 1-8, 21-23 and 25-38 remain in this application. Claims 1, 21, 25, 32 and 38 have been amended.

#### *Double Patenting*

1. The Examiner rejects claims 1, 21, 25, 32 and 38 under the judicially created doctrine of the obviousness-type double patenting of the claims 1, 10, 16 and 19 of copending Application No. 09/271,011. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented. }

#### *Rejection Under 35 U.S.C. § 102*

1. The Examiner rejects claims 1-8, 21-23 and 25-38 under 35 U.S.C. § 102(e) as being anticipated by Bellenger (US 5,802,054) ("Bellenger") in view of Muller et al. (US 6,021,132) ("Muller"). ✓ 103

Bellenger discloses an atomic network switch with integrated circuit switch nodes. A flow detect logic monitors the frame received in the node to detect flows and generates identifying tags for the purpose of accessing the switch route table (Bellenger, Col. 9, lines 4-8). As the data is being moved from the input port to the buffer, a series of hash cods is computed for various sections of the input data stream (Bellenger, Col. 15, lines 14-17). The result is a 64-bit random number identifying the particular IP flow (Bellenger, Col. 15, lines 25-26).

Muller discloses a shared memory management in a switched network element. Incoming packet data are transferred to a shared memory manager for temporary storage in an external shared memory (Muller, Col. 5, lines 55-57). Buffer pointers are requested from the shared memory manager for storage of incoming packets (Muller, Col. 5, lines 52-54). Upon receipt of a buffer pointer, an output port stores the pointer in an output queue until it can be transmitted onto attached links (Muller, Col. 7, lines 20-22).

X Bellenger and Muller taken alone or in any combination, do not disclose, suggest, or render obvious (1) assigning a pointer value based on a relative order in which the indications are received and (2) the pointer value preserving a state of frame transmission order according to complete reception of the frame without modifying the respective frame.

The Examiner states that Bellenger discloses generating a tag or has value as equivalent to a corresponding pointer value (Office Action, Page 4). Applicants respectfully disagree. The tag merely identifies the addressed location (Bellenger, Col. 9, lines 18-22). The hash code is looked up in or used to access a local memory (Bellenger, Col. 15, lines 27-28). Therefore, the

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tag or hash code does not determine an order in which the respective frame is promoted. Furthermore, they are not based on a relative order in which the indication is asserted. Similarly, Muller does not disclose or suggest any of the above limitations.

Muller merely discloses pointers to point to the data. These pointers merely provide a level of indirection (Muller, Col. 6, lines 53-57). They do not determine an order for promotion. Furthermore, the shared memory does not promote frames to a system state. It is allocated from a common pool of memory (Muller, Col. 6, lines 60-63; Col. 7, lines 58-67). \*

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-8, 21-23 and 25-38 under 35 U.S.C. § 102(e).

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### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: 10/22/2003

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